

***Effective 5/12/2015***

***Superseded 3/28/2016***

**63G-6a-107 Exemptions from chapter -- Compliance with other provisions.**

- (1) Except for Part 24, Unlawful Conduct and Penalties, the provisions of this chapter do not apply to:
  - (a) funds administered under the Percent-for-Art Program of the Utah Percent-for-Art Act;
  - (b) a grant;
  - (c) a contract between procurement units;
  - (d) medical supplies or medical equipment, including service agreements for medical equipment, obtained through a purchasing consortium by the Utah State Hospital, the Utah State Developmental Center, the University of Utah Hospital, or any other hospital owned by the state or a political subdivision of the state, if:
    - (i) the consortium uses a competitive procurement process; and
    - (ii) the chief administrative officer of the hospital makes a written finding that the prices for purchasing medical supplies and medical equipment through the consortium are competitive with market prices;
  - (e) the purchase of firefighting supplies or equipment by the Division of Forestry, Fire, and State Lands, created in Section 65A-1-4, through the federal General Services Administration or the National Fire Cache system;
  - (f) goods purchased for resale to the public; or
  - (g) activities related to the management of investments by a public entity granted investment authority by law.
- (2) This chapter does not prevent a procurement unit from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- (3) Notwithstanding any conflicting provision of this chapter, when a procurement involves the expenditure of federal or state assistance, federal contract funds, local matching funds, or federal financial participation funds, the procurement unit shall comply with mandatory applicable federal or state law and regulations not reflected in this chapter.
- (4) This chapter does not supersede the requirements for retention or withholding of construction proceeds and release of construction proceeds as provided in Section 13-8-5.